

PATENT
Attorney Docket No. 226749
Client Reference: 20462-CPA-RI-RCE-DIV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Sogabe et al.

Art Unit: 1652

Application No. 10/807,228

Examiner: E. Slobodyansky

Filed: March 23, 2004

**For: CREATINE AMIDINOHYDROLASE,
PRODUCTION THEREOF AND USE THEREOF**

DECLARATION UNDER 37 C.F.R. § 1.132 OF ATSUSHI SOGABE

I, Atsushi Sogabe, do hereby declare:

1 I am a co-inventor of the subject matter disclosed and claimed in the above-identified patent application.

2 The above-identified patent application identifies SEQ ID NO: 2 as the nucleotide sequence of a wild-type creatine amidinohydrolase gene. The amino acid sequence encoded by the gene is set forth in SEQ ID NO: 1.

3 The above-identified patent application contains a typographical error in the nucleotide sequence of SEQ ID NO: 2. Specifically, nucleotide residue 435 of SEQ ID NO: 2 should be guanine (G), and not cysteine (C). Therefore, the codon at nucleotide residues 433-435 should be GAG, and not GAC. The deduced amino acid sequence of SEQ ID NO: 1 (which also appears in SEQ ID NO: 2) correctly sets forth the amino acid corresponding to the codon at nucleotide residues 433-435 as glutamine (Glu).

4 The correct nucleotide sequence that encodes SEQ ID NO: 1 could be readily sequenced by one of ordinary skill in the art as of 1996 from the source material of the amidinohydrolase gene derived from *Alcaligenes faecalis* TE3581, which has deposit accession number FERM P-14237. The above-identified application sets forth the source material at, for example, column 4, lines 7-10.

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5 I hereby declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: '05. 8. 18

Atsushi Sogabe
Atsushi Sogabe